



US Army Corps  
of Engineers

SAN FRANCISCO DISTRICT

# PUBLIC NOTICE

Regulatory Branch  
333 Market Street  
San Francisco, CA 94105-2197

NUMBER: 25871N      DATE: June 14, 2004  
RESPONSE REQUIRED BY July 14, 2004:

PERMIT MANAGER: Robert Perrera      PHONE: 415-977-8454      Email: Robert.Perrera@spd02.usace.army.mil

1. **INTRODUCTION:** Mr. Bill Schellinger, Schellinger Bros., 1270 Airport Boulevard, Santa Rosa, California 95403 (707.545.1600), through his agent Marco Waaland, Golden Bear Biostudies, 536 B Street, Santa Rosa, California 95401 (707.573.1770), has applied to the U.S Army Corps of Engineers (USACE) for a permit to fill approximately 0.91 acres of jurisdictional wetlands to facilitate the construction of a residential subdivision and commercial space. The proposed project is located on a 21.35 acre site at 955, 995, and 997 Highway 116 in the City of Sebastopol, Sonoma County, California (APN: 004-390-003, -006, and -011) (Figure 1 and 2). This individual permit application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344).

2. **PURPOSE AND NEED:** The basic project purpose is to provide residential and commercial space. The overall project purpose is to provide residential and commercial space within the City of Sebastopol. The project will, in part, satisfy a demand for residential housing and commercial space within the City of Sebastopol. According to the applicant the site can be readily served by existing infrastructure, and is consistent with the City of Sebastopol's 1994 "General Plan".

3. **PROJECT DESCRIPTION:** As shown in Figures 4A and 4B, the applicant proposes to develop a mixed use project consisting of 4,300 square feet of commercial space, fifteen (15) live-work units, forty (40) rental apartments, sixty three (63) detached single family units, fifteen (15) optional units, thirty nine (39) duet single family units, parking and vehicle circulation, landscaping, and utility systems, including sewer, storm-water, gas and electric, and telephone lines. Access to the site would be from Highway 116 and Carline Court. The development will occupy approximately eleven (11) acres of the site, require grading and compaction of existing soils and placement of new base material for pavement and building pads. These construction activities would result in the discharge of fill material into 0.91 acres of wetlands located on the western half of the project site.

4. **SITE DESCRIPTION:** The project site is located within the designated "Study Boundary" as outlined on the Corps of Engineers jurisdictional map (Figures 3A and 3B). The site is approximately 21.35 acres located on the east side of Highway 116 to the immediate east of its intersection with Fircrest Avenue. The project site is bordered by Highway 116 to the west; a mobile home park and California Department of Fish and Game preserve to the north; the

Laguna de Santa Rosa to the east; and urban development, rural residential homes, and farmsteads to the south. Existing land uses include four residences and a children's day care facility. The majority of the project site is undeveloped open space. The site slopes slightly to northeast, with elevations ranging from 116' to 68' above the mean sea level. The FEMA one hundred (100) year flood plane of the Laguna de Santa Rosa crosses the project site near the mobile home park (Diagram 4C).

A total of 1.84 acres of jurisdictional wetlands subject to Section 404 of the Clean Water Act exist within the project site (Refer to Figure 4A and 4B). The wetlands are characterized as seasonally saturated depressions and swales systems inundated with water at a frequency and duration long enough to support a prevalence of vegetation typically adapted for life in saturated soil conditions. Direct precipitation, groundwater, and the discharge of two stormwater outfall structures contribute to the source of inundation. The wetlands are hydrologically connected to the Laguna de Santa Rosa through topographic features and overland flow.

The jurisdictional wetlands located on the western portion of the site would be displaced by pavement and buildings associated with the project (Figure 5). These wetland features contribute to the overall health of the Laguna de Santa Rosa ecosystem by providing nesting and foraging habitat for local fauna; flood desynchronization; flood storage; groundwater recharge; toxic and nutrient transformation; and sediment retention.

**5. ON-SITE MITIGATION:** To compensate for the loss of 0.91 acres of wetland habitat functions the applicant proposes to preserve the lower 10 acre portion of the site, which includes the preservation of 0.93 acres of existing wetlands. In addition, the applicant proposes to

create 1.0 acre of wetlands within the 10 acre preserve and purchase 0.91 acres of preservation credit at an approved mitigation bank.

The USACE has not received detailed plans for the compensatory mitigation.

**6. STATE APPROVALS:** Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must first obtain a State water quality certification before a Corps permit may be issued. No Corps permit will be granted until the applicant obtains the required water quality certification.

Those parties concerned with any water quality issues that may be associated with this project should write to the Executive Officer, California Regional Water Quality Control Board, North Coast Region, 5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403, Attn: Andrew Jensen, by the close of the comment period of this Public Notice.

## **7. COMPLIANCE WITH VARIOUS FEDERAL LAWS:**

**National Environmental Policy Act of 1969 (NEPA):** The Corps will assess the environmental impacts of the proposed action in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. Section 4371 et. seq.), the Council on Environmental Quality's Regulations, 40 C.F.R. Part 1500-1508, and Corps' Regulations, 33 C.F.R. Part 230 and 325, Appendix B. Unless otherwise stated, the Environmental Assessment will describe only the impacts (direct, indirect, and cumulative) resulting from activities within the Corps' jurisdiction. The documents used in the preparation of the Environmental Assessment will be on file with the U.S. Army Corps of Engineers, San Francisco District,

Regulatory Branch, 333 Market Street, San Francisco, California 94105-2197.

**National Historic Preservation Act of 1966 (NHPA):** Based on a review of survey data on file with various City, State and Federal agencies, no historic or archeological resources are known to occur in the project vicinity. If unrecorded resources are discovered during construction of the project, operations will be suspended until the Corps completes consultation with the State Historic Preservation Office (SHPO) in accordance with Section 106 of the National Historic Preservation Act.

**Endangered Species Act of 1973 (ESA):** Section 7 of the Endangered Species Act requires consultation with the U.S. Fish and Wildlife Service (FWS) and/or the National Marine Fisheries Service (NMFS) if a Corps permitted project may affect any Federally listed threatened or endangered species or its designated critical habitat. Within the project site, there is potential for the occurrence of the federally endangered and threatened species: Sonoma sunshine (*Blennosperma bakeri*); Burke's goldfields (*Lasthenia burkei*); Sebastopol meadowfoam (*Limnanthes vinculans*); many-flowered navarretia (*Navarretia leucocephala* ssp. *plieantha*); and the California tiger salamander (*Ambystoma californiense*).

USCAE initiated informal consultation with the FWS concerning the aforementioned species. Based on negative results from several focused surveys for listed plants within the study boundary the FWS concurred with the USACE that the proposed project may affect but is not likely to adversely affect the Sonoma sunshine, Burke's goldfields, Sebastopol meadowfoam, and many-flowered navarretia. Based on negative larval salamander surveys conducted at all potential CTS aquatic breeding

habitat within the study boundary; negative larval salamander surveys conducted at nearby properties within the floodplain of the Laguna de Santa Rosa; and a site visit on February 26, 2004 by representatives from the USACE and the FWS, the FWS concurred with the USACE that the proposed project may affect but is not likely to adversely affect the California tiger salamander.

**8. COMPLIANCE WITH THE 404(b)(1) GUIDELINES:** Evaluation of this proposed project's impacts include application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b)(1) of the Clean Water Act (33 U.S.C. Section 1344(b)). The applicant has submitted an Analysis of Alternatives for the project and it will be reviewed for compliance with the guidelines.

**9. PUBLIC INTEREST EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed project on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits that reasonably may be expected to accrue from the proposed project must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including its cumulative effects. Among those factors are: conservation, economics, aesthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

10. **CONSIDERATION OF COMMENTS:** The Corps of Engineers is soliciting comments from the public, federal, state and local agencies, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. All comments received will be considered by the Corps to determine whether to issue, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors aforementioned. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest in the proposed project.

7. **SUBMISSION OF COMMENTS:** Interested parties may submit, in writing, any comments concerning this project. Comments should include the applicant's name and project number and date of this Public Notice. It should be forwarded so as to reach this office within the comment period specified on Page 1. Comments should be sent to the U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 333 Market Street, San Francisco, California 94105-2197. It is the USACE policy to forward any such comments that include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this Public Notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Additional project details may be obtained by contacting the applicant or applicant's agent whose name and address are indicated in the

first paragraph of this Public Notice or by contacting Robert Perrera of our office at telephone 415-977-8454 or E-mail: Robert.Perrera@spd02.usace.army.mil. Details on any changes of a minor nature, which are made in the final permit action, will be provided upon request.